

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
05-CR-59A

WELTON L. MILES,
CYRUS Q. BENNING,
CHRISTOPHER J. THOMAS,

Defendants.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). On April 29, 2005, defendants filed motions to suppress. On March 3, 2006, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' motions to suppress evidence be denied.

Defendants Miles, Benning and Thomas filed objections to the Report and Recommendation and the government filed a response thereto. Oral argument on defendants' objections was held on July 19, 2006.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motions to suppress are denied. The parties shall appear for a meeting to set trial date on August 21, 2006 at 9:00 a.m.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 18 , 2006